

WANTS NEW INDICTMENT IN HAWTHORNE CASE

Government After Other Men
Who Backed the Stock
Selling Scheme.

LAWYER MUST SHOW BOOKS

Judge Says Smyth Must Also
Answer Questions Before
Grand Jury.

The investigation into the affairs of the Hawthorne Silver and Iron Mines Company, which resulted in the indictment of John Hawthorne, Albert Freeman, a mining promoter, and Josiah Quincy, a Boston lawyer, has been reopened. According to Assistant United States District Attorney Dorr other men than those already indicted will be involved in the new inquiry.

The Federal Grand Jury appeared before Judge Hough in the criminal branch of the United States District Court yesterday and presented Herbert C. Smyth and Miss Helen E. Rodgers for examination.

Smyth, who is a member of the law firm of Wellman, Gough & Smyth, had refused to surrender for evidence before the grand jury certain books and papers belonging to the Hawthorne company and called for by subpoena. He had likewise refused to answer several questions concerning the affairs of the mining concern. Smyth contended that compliance would be detrimental to the interests of his clients. He insisted that the government is attempting to unfairly get a line on the testimony to be given in behalf of the defense at the trials of the men already indicted. He further argued that the books were the property of a non-existent corporation and that it would be a violation of the constitutional rights of his clients to demand their production.

Assistant United States District Attorney Dorr contended that the United States' possession of the books was sufficient precedent on which to order the production of the documents. He said that copies of the fact that the investigation had been reopened and included men not yet indicted the order that the books and papers be produced was amply justified.

Judge Hough took the same view of the situation. He ruled that the books and papers be delivered forthwith and that Smyth must answer the questions put to him.

Miss Rodgers, who was a stenographer in Freeman's office, got off easier. It was charged that she was guilty of contempt in that she had refused to Freeman certain things that had transpired in the grand jury room. Miss Rodgers was asked by the court procedure. She pleaded that she was ignorant of the fact that she had transgressed in telling Freeman what was said by those who testified before the grand jury.

Judge Hough in dismissing her adjourned a gentle reminder to the grand jury.

The first investigation into the affairs of the Hawthorne Silver and Iron Mines was begun in October, 1911. The company planned to sell \$10,000,000 of stock in \$1 shares through the mail. It was said that so great was the prestige of the Hawthorne name in New England that enormous blocks of the stock were sold in that part of the country. In all, some \$10,000,000 worth of stock is supposed to have been sold.

One of the features of the selling campaign was the use of advertising circulars written by Mr. Hawthorne.

BOARD NEARING DECISION.

Tentative Basis of Settlement of Engineers' Demands Nearly Ready.

The basis of a decision on most of the principal points at issue was reached yesterday by the board of engineers of the Eastern railroad. The demands are being passed upon by an arbitration board of seven appointed for that purpose, who are holding their final hearings in the office of President Daniel Willard of the Baltimore and Ohio Railroad.

The board's tentative decision on all the points at issue will be reconsidered later by the members individually before a final decision is agreed on. After today's session there will be a recess for several days. When all the members have had time to go into each point in the decision the board will be reconvened and will remain in session until a decision is finally adopted.

After the board adjourned yesterday Oscar S. Strauss, chairman of the board, said that it may be some weeks before a final decision is made. He said that the board's decision would be made through an arbitration board of statistics and other documentary evidence and would probably have to go through most of the same process in order to reach a possible misinterpretation of some of the technical points.

Under the terms of the agreement by which the board of engineers in October referred to arbitration a decision of a majority of the board will be binding on both sides.

CAR RIOTS IN DULUTH STRIKE.

Officers Are Demanding That Railroad Manager Quit His Job.

DULUTH, Minn., Sept. 13.—A serious situation has arisen here in connection with the street car strike and further rioting and looting of the cars occurred today. A large number of cars were wrecked by the strikers who were reinforced by the city police.

Officers are demanding that the railroad manager quit his job. The city police are demanding that the railroad manager quit his job. The city police are demanding that the railroad manager quit his job.

CRANK FRACTURES SKULL.

Dies In and Strikes Motor Boat Owner and His May Die.

Something went wrong with the motor boat which owned by Edward McCormack, a retired builder of 16 Bayside place, near Beach, in Jamaica Bay yesterday and he headed her for Narragansett street at Neponset.

McCormack reported the defect and started to leave. The motor boat struck a car, striking Mr. McCormack in the right eye. His skull was fractured.

McCormack was taken to the Rockaway Hospital look after him. He was taken to the hospital, where it was said last night that it was doubtful if he would live.

AUTO HITS WAGON, TWO DYING.

Men Hurled to Pavement by Car in Buffalo Accident.

Buffalo, Sept. 13.—Peter Dendorff, 35 years of age, and Peter Schuman, both of Tonawanda, are dying at the Sisters Hospital as a result of their being struck by an automobile driven by Lawrence Miller of Buffalo north of Kenmore street today.

The car crashed into the wagon and hurled the two men to the pavement.

PARCELS POST EXTENDED.

Hitchcock Lets in Star Routes—Chiefs Help Him Plan.

WASHINGTON, Sept. 13.—Fifteen division superintendents of the railway mail service were in conference with Postmaster-General Hitchcock today regarding the preparations to be made for carrying the large volume of business that will have to be handled when the parcels post act goes into effect on January 1.

The Department is now working out a tariff schedule from which patrons of the service can readily ascertain the cost of the carriage of parcels.

The Postmaster-General has decided to despatch parcels over the star routes as well as over rural routes, thus extending the service to additional thousands of people. Through inadvertence the act failed to mention star routes. The law extends the system to the Philippines, the Hawaiian Islands, Porto Rico and Alaska.

The Interstate Commerce Commission has fixed October 9 for the express companies to appear and show cause why lower rates on a block system established by the commission several months ago should not become effective. The parcels post law was enacted by Congress after the commission ordered the reduction of express rates, and in view of this it is believed that the express companies will ask a postponement of the date of the beginning of this hearing in order to give them an opportunity to check and compare the parcels post rates to be announced by the Post Office Department.

MANY AVIATION MISHAPS

Laid to Friday the 13th

Evidences Also Appear That for Some Who Don't Fly the Day Was Lucky.

CHICAGO, Sept. 13.—Aviator Earl Daugherty and a passenger narrowly escaped death at the aviation meet at Cicero Field this afternoon when two red arms of his Somerville biplane snapped while the machine was at a height of 2,000 feet. The plane careened and plunged and to the spectators below it seemed that it was being dashed to earth. After breathless suspense the spectators saw the aviator gain control again. Then he volplaned to earth.

Several other accidents which thrilled spectators but which were without serious results punctuated the second day's events. The superstitious birdmen laid their troubles to the hoodoo Friday, the 13th. Spectators were more inclined to believe it was the drizzling rain which began as the aviators began taking their cars from the hangars.

Giuseppe Colucci, the Italian army officer, experienced an accident similar to that of the day before when his machine became uncontrollable during a flight over the ground in the event and turned partly over in falling. The aviator saved himself by jumping.

Victor W. Thomas was up fifty feet when his new Curtiss biplane failed to respond to the steering apparatus and began to fall. The aviator succeeded in righting the machine before it hit the ground.

Exhibition flying, flag landing from 1,000 feet and a two-mile, twenty-kilometer passenger biplane handicap made up the day's events.

Maurice Prevost, the young French aviator, shivered and turned pale when Friday, the 13th, was called to his attention.

"Pouf," said the Frenchman in his broken English, glancing nervously behind him and crossing his fingers. "ce of France do not fear such a silly thing."

WASHINGTON, Sept. 13.—Andrew Gonzalez, the wife murderer, was angry when told that he would be hanged for life. "I want to be strung up without any more money business," declared the condemned man to his counsel.

Believing that their client is insane Gonzalez's lawyers are proceeding over his protest with their efforts to obtain either a commutation of the death sentence to life imprisonment or the appointment of a commission to inquire into his mental condition.

The double hoodoo to-day of "Friday the 13th" is causing Fish commissioner George M. Jones today for a brief stay called attention to the fact that he had made thirteen sets of speeches in the last thirteen days, that he sat in seat 13 in the parlour car coming from New York, that there were thirteen letters in his name and that he had been the thirteenth president of Princeton University.

"Thirteen has always been my lucky number," the Governor added with a smile.

WILL WED AIRSHIP ENGINEER.

Miss Wellman to Marry One of the America's Company.

WASHINGTON, Sept. 13.—A romance growing out of Walter Wellman's attempt to fly across the Atlantic Ocean in October will culminate in the marriage at Gloucester, Mass., next Monday of Miss Rebecca Wellman to Frederick E. Aubert of this city. Wellman's assistant engineer on the ill-fated rigid, the America, left Washington last night for the home of the bride.

THREE BRIDES IN A FORTNIGHT.

Alleged Bigamist, Accused by Wives, Says He Couldn't Help It.

PITTSBURGH, Sept. 13.—John Middleton contended plural marriages just because "he could not help it," so he admitted today to Inspector Walsh, who arrested him at the Allegheny General Hospital, where Middleton is employed as an orderly. Thrice in a fortnight has John led a bride to the altar. Today the trio stood together and saw him lead to the loom.

Gertrude Van Horn, 14 years of age, who married Middleton on Wednesday, went to the hospital in the morning to visit him. In an anteroom she found two women glaring at each other and saying unkind things. Gertrude listened and then joined in the argument. Soon Middleton appeared and all three women went to him with arms outstretched.

The fourteen-year-old bride went out into Stockton avenue and brought back a policeman. Little Hughes of Carrick and Edna Kerr, his two other wives, said they would appear against Middleton.

Bricklayers Union Elects Officers.

ALBANY, Sept. 13.—The bricklayers, masons and plasterers union will hold its annual convention in Utica. These officers have been elected for next year: President, John J. Carey of Glens Falls; first vice-president, John Mack of Buffalo; second vice-president, Louis Mazzona of New York city; third vice-president, Thomas Hall of New York city; fourth vice-president, Samuel Quackenbush of Corning; fifth vice-president, Thomas Hannan of Albany; Recording Secretary, Robert Nethercott of Port Chester.

GIBSON TO MAKE STATE SHOW HAND

Continued from First Page.

was due for the usual treatment of a man so accused—in other words Gibson was not going out of that cell until the court called him out. Gibson then ate the usual hearty breakfast in jail.

The hearing before Judge Herbert B. Royce, special county judge, was set for 10 o'clock. Judge Royce is still a young man, but he is businesslike. He shut down on the sleeping in the hotel last night.

The Judge got there about 9:30 o'clock and by that time the prominent citizens of the city had arrived and had tried to get the best seats in the tiny little Recorder's room. Outside the populace seemed to have forgotten everything just for the privilege of standing around and waiting. It may be added, however, that there were no women in the crowd, no women in the court room except for the stenographer.

Gibson and Rogers Confer.

District Attorney Rogers arrived about the same time as the Judge, and Gibson was brought upstairs to meet him. They had a conversation and the County Prosecutor came away from it showing high admiration for the man he has to appear against. Mr. Rogers has had some pretty good murders in his administration, but the way in which this case shaped up was something new.

Gibson greeted him as one lawyer does another just before they go into court. He asked about the hearing of the morning and promptly told Mr. Rogers that they might as well start fighting right there.

"I want a complete hearing," he told the District Attorney. "I want to go right into this case at the start and to lay before the court what you have and I will do the same. We will see at once what there is in this."

Mr. Rogers said he was willing to do that but he could not do it that morning. Gibson saw the force of that and said he would consent to a reasonable postponement. He knew that the law would give the District Attorney two days, but he would give more, he was willing to do anything to accommodate the Prosecutor.

Will Not Ask Favors.

"There is no reason why there should be any trouble in this case," he added. "We can go through with this on its merits. I do not want any favors from anybody. I do not want any favors from anybody."

"All I want is a square deal. You try this case as a prosecutor, a fair minded, conscientious prosecutor should try it. I will try it as a fair minded defendant should try it."

Mr. Rogers, who was rather taken off his feet, admitted that it was a fair proposition. It was agreed that September 14 would be ample time for both sides to get their witnesses up to Orange county, and when this was done the court was ready.

Gibson walked in alone and took a seat facing the Judge, with District Attorney Rogers leaning over a desk near by. Gibson half bowed to some of the men he knew near by as he sat down, and then looked at the Judge as if waiting for a client's case to be called on a court calendar.

"Stand up, Mr. Gibson," Judge Royce said suddenly.

Gibson got up, one hand in his trousers pocket and the other clasping a paper.

Judge Reads Warrant.

"I have a warrant here charging you with murder in the first degree," said the Judge hurriedly. "I appreciate that you are a lawyer, but I must tell you that you have a right to counsel any time."

"Oh, I understand that," said Gibson. In his low even voice and without a tremor.

"What do you want to do?" asked the Judge.

"Of course I want an examination; I demand a hearing," was the prompt reply. "I have arranged with Mr. Rogers for a reasonable adjournment to produce the witnesses necessary to the fullest and widest examination possible."

"I believe the date of the adjournment upon as the 21st of this month at 10 o'clock."

"Mr. Rogers concurred in this and then the Judge for some reason sought to get Gibson to admit that he requested the adjournment until the time stated. Gibson repeated that Mr. Rogers had requested adjournment and he consented."

"You request that asked the court."

"No, I don't request that, I consent to it," was Gibson's answer. "It is Mr. Rogers' request."

"Well, you must request it," said the Judge. "I cannot consent to have it go over more than two days."

Recites Law to Court.

Mr. Gibson recited the law to the court, which said that by request or consent the case could go over for a longer period.

"Except upon request or consent, the law reads," he said smilingly. "This is on consent."

"I prefer to have you request it," said the court.

Gibson smiled, almost laughed. "Now, Judge, I ought to be in the position of requesting. I consent to it."

Mr. Rogers interrupted the fencing to say that the prosecution requested the adjournment until the 21st in order to bring all the witnesses.

"I suppose I am compelled to read you the information," the court said, after the adjournment case had been settled.

"No," said Gibson. "Mr. Rogers assures me that he has a copy of it which he is prepared to hand me, and upon that assurance I waive the reading."

Mr. Rogers said he had such a copy.

"You understand that I will have to commit you to the county jail pending this examination?"

Gibson shrugged his shoulders.

"Oh, yes, I understand that," he said with a half smile.

The court then made the announcement and again turned to the prisoner.

"Would you prefer to have the examination in the court house at Goshen or here?"

No Choice for Scenes.

Gibson grinned again and remarked that he did not know as it made any particular difference. Mr. Rogers said the court room was larger in Goshen, and Gibson's comment was that he didn't care. It was ordered for Goshen.

"Then all processes will be ordered returnable there!" broke in Gibson briefly.

The court nodded.

"Of course your Honor will issue to me such processes as I may require in the production of witnesses in view of the unfortunate position in which I am placed and will turn over such processes to servers in my behalf?"

The court again nodded approval.

"I am entitled to that, you know," said Gibson smoothly.

"Yes, and you are entitled to a peace officer to send for counsel if you so request," the court said.

"I don't request that," was the emphatic answer.

The Judge then directed the Chief of Police to send Gibson to Goshen at once and again the defendant interrupted.

"I have one request to make and that is that I may be given opportunity this morning to communicate with family and friends in New York by telephone, either here or in Goshen, as I may see fit."

"I don't see any objection to that," said Judge Royce in conclusion. "Chief, take the defendant to a long distance wire."

Gibson walked out of the court room.

Your Opportunity Ends

Tonight at 10 O'clock to

Secure One Of These Un-

paralleled Bargains In

Genuine

Pianola Player

Pianos

See how little it will cost you

weekly to buy a Pianola Player-

piano recognized all over the

world as the best instrument

of its type

Genuine Weber Pianola Pianos

Costing originally as high as \$1150

Special prices from..... \$600

Genuine Steck Pianola Pianos

Costing originally as high as \$850

All new instruments—Special price \$675

Genuine Wheelock Pianola Pianos

Costing originally as high as \$750

All new instruments—Special price \$625

Genuine Stuyvesant Pianola Pianos

Costing originally as high as \$600

Special prices from..... \$425

Genuine Technola Player Pianos

Costing originally \$450

All new instruments—Special price \$395

Genuine Pianolas.

Costing originally as high as \$450

Special prices from..... \$105 up.

Open Saturday Night Until 10 P.M., Then This Wonderful Opportunity Ends

THE AEOLIAN COMPANY

Aeolian Hall, 362 Fifth Avenue, near 34th Street, New York

The Largest Manufacturers of Musical Instruments in the World

He admitted that if a man had to occupy

a cell as was good as he could ask, and he

signaled his entrance by throwing him

self on his bed for a little nap before din-

ing. He received a visitor as he lay

stretched out. He had no complaint to

make about the proceedings up to that

time.

Each of Mr. Rogers and I understand

each other and are going to get along

help each other. He is not going to be a

persecutor, but a prosecutor—a quasi-

judicial officer.

"How does the case strike you?" he was

asked.

Only One Menace.

"There is nothing menacing in this case

except the mysterious diagnosis of Dr.

Schultz. I have heard such a thing before. I

do not understand what he is talking about.

I have only read of it in the newspapers."

"Now that is where I think I made a mis-

take, as I told you last night, I should have

had a representative present at that au-

topsy. I should have had a man to tell me

of the conditions discovered."

"I wish I knew now the condition of

the body. I wish I knew the condition of

the organs said to have been taken for

further examination. He stopped and

looked at his elbow. "Do you know I

have had Dr. O'Hanlon, the other cor-

oner's physician, present to represent me?"

"Aren't you going to get a lawyer?"

"I don't know," was the reply. "I don't

know that it will be necessary; we had

best wait for a little while. You see that

is why I agreed to the postponement; it

suits me exactly."

Wants Everything Ready.

"I want to give the prosecution all the

time necessary to put forth its best case.

I want them to be ready when the time

comes, and then we will see." He raised

his hand to his forehead. "I think I should

not believe the case will go any further

than that; I don't think that I will have

to put in a defense."

Gibson was reported to be resting

quietly the rest of the day. The informa-

tion upon which the warrant was issued

was made public to-day. There were

three affidavits, two of them by Degraw

and one of them by Dr. Otto H. Schultz

of New York.

Dr. Schultz swears that he performed